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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,486	11/28/2001	Enrique Molina	408-001	1468
50760	7590	03/28/2005	EXAMINER	
NEIL F. MARKVA 8322-A TRAFORD LANE SPRINGFIELD, VA 22152			VARNER, STEVE M	
			ART UNIT	PAPER NUMBER

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/995,486

**Applicant(s)**

MOLINA, ENRIQUE

**Examiner**

Steve M Varner

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/2/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-47 is/are pending in the application.
- 4a) Of the above claim(s) 9-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Examiner provides the identification of the "Krecke" reference.

The After Final Amendments of 10/04/04 and 11/12/04 have been entered.

The Advisory Action of 11/5/04 has been withdrawn, and this new Non Final Action is presented.

Claims 2, 8, are cancelled.

Claims 9-47 are withdrawn as non-elected restricted claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 7, are rejected under 35 U.S.C. 102(b) as being anticipated by Wepf.

Regarding claim 6, Wepf shows molding means (10, 12, 14) including means (10) for vertically disposing laterally spaced wall forming panels, with the cavity (between 12, 14) having an upwardly directed top opening, reinforcement rod suspending means (22) and means for attaching (24, 30, 42, 26, 36, 28, 44) the rod suspending means to the opposed wall forming panels, the rod suspending means (22) being effective to retain the reinforcement rod means (horizontal component of 16, 18), the rod suspending means including a plurality of grid elements (vertical components of 16, 18) that extend vertically along the vertically disposed molding surfaces and between the opposed molding surfaces and each grid element including a plurality of

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the members (10) that are substantially perpendicular to the molding surfaces horizontally disposed at spaced preselected vertical locations. The grid elements include rod locating means (vertical components of 16, 18) (Col. 5, Line 40-50).

Regarding claim 7, Wepf shows the rod locating means (vertical components of 16, 18) (Col. 5, Line 40-50) includes a pair of elongated substantially parallel, vertically disposed elongate elements (vertical components of 16, 18) extending across the plurality of vertically spaced tie members (10) at each horizontal location between the molding surfaces (12, 14) (Fig. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wepf in view of Krecke.

Regarding claim 1, Wepf shows wall molding means (10, 12, 14) for forming laterally spaced, opposed molding surfaces that define a wall mold cavity for forming said wall structure, said wall molding means including means (10) for vertically disposing laterally spaced wall forming panels (12, 14) to provide said molding surfaces along opposed sides of said wall mold cavity, said cavity having an upwardly directed top opening into which hardenable material is to be poured and hardened to produce said wall structure within said wall mold cavity, reinforcement rod suspending means

(22) for freely positioning and retaining freely disposed horizontally extending reinforcement rods said rod suspending means including a plurality of grid elements (vertical component of 16, 18) each having a plurality of elongate elements that extend vertically along and are substantially parallel to the vertically disposed molding surfaces with each element having a plurality of tie members (10) fixedly connected to the vertically disposed elongated elements (vertical component of 16, 18) said tie members extend substantially perpendicular to the molding surfaces to define a plurality of vertically spaced locations of support for the horizontally disposed reinforcement rods.

Wepf does not show freely horizontally disposed reinforcement rods being contiguously disposed on said tie members at a plurality of preselected vertical locations and at a preselected horizontal location spaced inwardly from each said opposed molding surface within said mold cavity. Krecke shows freely horizontally disposed reinforcement rods (72) being contiguously disposed on said tie members (11) at a plurality of preselected vertical locations (Fig. 16) and at a preselected horizontal location spaced inwardly from each said opposed molding surface within said mold cavity (Fig. 15, 16). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use tie members as in Krecke in the structure of Wepf to hold the horizontal reinforcement rods contiguously in place vertically.

Wepf shows means (10) for attaching said rod suspending means to said opposed wall forming panels for locating said horizontally disposed reinforcement rods at spaced said preselected vertical locations between said spaced molding surfaces, said rod suspending means being effective to retain said reinforcement rods in place at

said preselected horizontal and vertical locations while said hardenable material is being poured into and allowed to harden within said mold cavity.

Regarding claim 3, Wepf shows wherein each said grid element (16, 18) has a sufficient amount of rigidity to project outwardly from a vertically disposed molding surface and to horizontally suspend the reinforcement rods when said grid element is attached to said vertically disposed molding surface (Fig. 1).

Regarding claim 4 Wepf shows wherein said wall forming panels (12, 14) are portable for removable vertical disposition to form said wall mold cavity, and said means (10) for vertically disposing said wall forming panels is effective to maintain said wall forming panels independently with respect to each other in said vertical disposition (Fig. 1).

Regarding claim 5, Wepf shows wherein said plurality of vertically disposed grid elements (vertical component of 16, 18) are spaced horizontally with respect to each said opposed spaced molding surfaces (12, 14).

Wepf does not show said reinforcement rods are horizontally freely disposed across said plurality of tie members. Krecke shows reinforcement rods (72) are horizontally freely disposed across said plurality of tie members (11) (Fig. 15). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to freely dispose the reinforcement rods across the tie members as in Krecke in the structure of Wepf to easily support the reinforcement rods.

Wepf shows the reinforcement rods extend substantially parallel to the molding surfaces and are laterally spaced with respect to each other between said molding surfaces (Fig. 1).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilde shows a tie for concrete wall forms. Takemura shows ready mixed concrete placing method and formwork unit used for the method. Barale shows shuttering system for casting concrete walls or partitions, and a method for its assembly.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SV 

  
Naoko Slack  
Primary Examiner